

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MOBILE BAY WATCH, INC.,)	
An Alabama Non-Profit Corporation,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-0302-CG-C
)	
THE WATER WORKS AND SEWER)	
BOARD OF THE CITY OF PRICHARD,)	
ALABAMA,)	
)	
Defendant,)	
)	
v.)	
)	
THE ALABAMA DEPARTMENT OF)	
ENVIRONMENTAL MANAGEMENT,)	
McCRORY AND WILLIAMS, INC.,)	
a corporation; <u>et al.</u>)	
)	
Third-Party Defendants)	

ORDER

On July 11, 2007, a motion was filed by third-party defendant, Veolia Water North America Operating Services, Inc. ("Veolia"), seeking summary judgment as to each and every count asserted against it by the Water Works and Sewer Board of the City of Prichard ("WWSB"). (Doc. 134). Any party opposing the motion was ordered to file a response on or before July 31, 2007. (Doc. 138). No response was filed. The court treated the non-response as an oversight and ordered the WWS B to file their response to the motion on or before August 13, 2007. (Doc. 139). Do date, no response has been filed. Therefore, the court concludes that the WWSB has abandoned its claims against Veolia.

Accordingly, the motion for summary judgment filed by Veolia (Doc. 134) is **GRANTED** and all claims asserted by the Water Works and Sewer Board of the City of Prichard against Veolia Water North America Operating Services, Inc. are hereby **DISMISSED**.

DONE and ORDERED this 15th day of August, 2007.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE